

IFW

RICK D. NYDEGGER
 BRENT P. LORIMER
 THOMAS R. VUKSINICK
 LARRY R. LAYCOCK
 JONATHAN W. RICHARDS
 DAVID R. WRIGHT
 JOHN C. STRINGHAM
 JOHN M. GUYNN
 CHARLES L. ROBERTS
 DANA L. TANGREN
 ERIC L. MASCHOFF
 CHARLES J. NEVERKA
 ROBYN L. PHILLIPS
 RICHARD C. GILMORE *
 STERLING A. BRENNAN
 R. BURNS ISRAELSEN
 DAVID R. TODD
 GREGORY M. TAYLOR
 DAVID B. DELLENBACH
 L. DAVID GRIFFIN
 ADRIAN J. LEE
 FRASER D. ROY
 CARL T. REED



WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS

1000 EAGLE GATE TOWER
 60 EAST SOUTH TEMPLE
 SALT LAKE CITY, UTAH 84111
 TELEPHONE: (801) 533-9800
 FAX: (801) 328-1707
 WEBSITE: [HTTP://WWW.WNLAW.COM](http://www.wnlaw.com)

PATENT APPLICATION Docket No: 13914.849.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of

Michael L. Olson

Serial No.: 10/770,273) Art Unit

Filed: February 2, 2004) 3764

Confirmation No.: 9600)

For: EXERCISE DEVICE WITH RESISTANCE MECHANISM)
 HAVING A PIVOTING ARM AND A RESISTANCE)
 MEMBER)

Examiner: Unknown)

TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

— Statement of relevance of selected cited references not in the English language which are not translated.

— Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.

— Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

* Admitted only in California
 § Admitted only in Virginia

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

Form PTO-1449 listing FOURTEEN (14) references submitted for consideration.

Copies of the _____ references listed on the Form PTO-1449.

English translations of _____ (_____) of the references listed on the Form PTO-1449 which are not in the English language.

Copies of the following documents from the prosecution of a previous, related application:

Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and

Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

I. Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.

II. Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:

Promptness Certification; or

Credit Card Payment Form PTO 2038 in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

III. After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

Promptness Certificate;

Petition for Consideration; and

Check No. in the amount of \$_____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

- Petition to Withdraw from Issue; and
- Check No. _____ in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

- Any fee required in relation to filing of this letter or any documents transmitted therewith.
- The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97I applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).
- The submission fee set forth in 37 C.F.R. § 1.17(p).
- The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 28 day of December, 2004.

Respectfully submitted,



Fraser D. Roy
Attorney for Applicant
Registration No. 45,666
Customer No. 022913
Telephone No. (801) 533-9800



PATENT APPLICATION
Docket No: 13914.849.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)

Michael L. Olson)

Serial No.: 10/770,273) Art Unit

3764

Filed: February 2, 2004)

Confirmation No.: 9600)

For: EXERCISE DEVICE WITH RESISTANCE MECHANISM HAVING A)
PIVOTING ARM AND A RESISTANCE MEMBER)

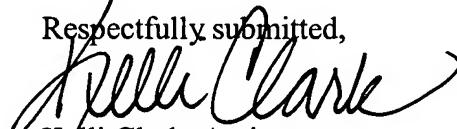
Examiner: Unknown)

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 26th day of December, 2004:

- Transmittal for Information Disclosure Statement (3 pgs.) (in duplicate)
- Information Disclosure Statement (2 pgs.)
- Form PTO-1449 (2 pgs.)
- Postcard

Respectfully submitted,



Kelli Clark, Assistant to
Fraser D. Roy
Attorney for Applicant
Registration No. 45,666
Customer No. 022913
Telephone No. (801) 533-9800



PATENT APPLICATION
Docket No: 13914.849.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
Michael L. Olson)
Serial No.: 10/770,273) Art Unit
Filed: February 2, 2004) 3764
Confirmation No.: 9600)
For: EXERCISE DEVICE WITH RESISTANCE MECHANISM HAVING A)
PIVOTING ARM AND A RESISTANCE MEMBER)
Examiner: Unknown)

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

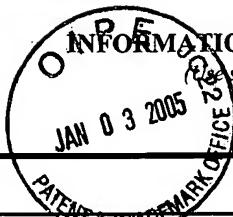
Dated this 28 day of December, 2004.

Respectfully submitted,



Fraser D. Roy
Attorney for Applicants
Registration No. 45,666
Customer No. 022913
Telephone No. (801) 533-9800

FDR/lrc
LC0000001189V001


INFORMATION DISCLOSURE CITATION
(use several sheets if necessary)

Docket Number (Optional)

13914.849.1

Application Number

10/770,273

Applicant(s)

Michael L. Olson

Filing Date

February 2, 2004

Group Art Unit

3764

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
1	4,275,882	6/30/1981	Grosser, et al.	272	117		
2	4,426,077	1/17/1984	Becker	272	118		
3	4,540,171	9/10/1985	Clark, et al.	272	118		
4	4,618,140	10/21/1986	Brown	272	72		
5	4,635,926	1/13/1987	Minkow	272	118		
6	4,898,381	2/6/1990	Gordon	272	117		
7	4,974,838	12/4/1990	Sollenberger	272	118		
8	5,031,905	7/16/1991	Walsh	272	130		
9	5,316,534	5/31/1994	Dalebout, et al.	482	133		
10	5,344,374	9/6/1994	Telle	482	97		
11	5,527,245	6/18/1996	Dalebout, et al.	482	54		

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

EXAMINER
DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



				Docket Number (Optional) 13914.849.1	Application Number 10/770,273			
				Applicant(s) Michael L. Olson				
				Filing Date February 2, 2004	Group Art Unit 3764			
U.S. PATENT DOCUMENTS								
*EXAMINER'S INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	12	5,685,810	11/11/1997	Chung	482	112		
	13	5,776,040	7/7/1998	Webb, et al.	482	98		
	14	2004/0185988	9/23/2004	Hsiung, et al.	482	102		
FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>								
EXAMINER				DATE CONSIDERED				
<p>EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>								